IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3622 OF 2007

Kalyan S.Birje ...Petitioner

vs.

Bhauballi Zilla Nagari
Sahakari Patsantha Maryadit & Ors. ...Respondents

Mr.R.S.Ghadge i/b Mr.A.S.Desai for the Petitioner
Mr.U.P.Warunjikar for Respondent No.1
Ms V.S.Mhaispurkar for Respondent Nos.2 to 4.

CORAM: A.S.OKA,J.
DATE : JULY 4, 2007.

P.C.:

1. Heard Advocate for the Petitioner. By this Petition under Article 227 of Constitution of India, the challenge is to the order dated 25th September 2006 passed by the Divisional Joint Registrar. By the said order, the Divisional Joint Registrar rejected the Revision Application filed by the Petitioner on account of non compliance with the mandatory requirement of sub-section 2(A) of section 154 of the Maharashtra Cooperative Societies Act,1960.

2. The submission of the learned Advocate for the Petitioner is that in substance the challenge in the Revision Application of the Petitioner was to the order dated 11th August 2006 by which a preliminary issue was decided. He submitted that sub-section 2A of section 154 has no application.

3. In the Revision Application the challenge is also to the recovery certificate issued under section 101 of the said Act of 1960.

4. Considering the fact that in the Revision Application, the challenge is also to the recovery certificate under section 101 of the said Act of 1960, the Divisional Joint Registrar has rightly held that the Petitioner ought to have complied with sub section 2(A) of section 154 of the said Act of 1960. The learned Advocate for the Petitioner states that the Petitioner has paid certain amount to the first Respondent. As the view taken by the Divisional Joint Registrar is legal and proper, no interference is called for. Writ Petition is rejected.

5. Notwithstanding the rejection of this petition, if the Petitioner complies with the requirement of sub-section 2A of section 154 of the said Act of 1960 within a period of two months from today, it will be open for him to apply before the Revisional Authority. If the authority after hearing the opponent is satisfied that a compliance has been made by the Petitioner, the Revision Application will be restored and will be decided in accordance with law.

JUDGE